

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:18cr82-RJC

UNITED STATES OF AMERICA)	
)	
v.)	FINAL ORDER AND
)	JUDGMENT CONFIRMING
(1) ANGELO MEJIA)	FORFEITURE
a/k/a “Lo”)	
a/k/a “Los”)	
a/k/a “Loco”)	

THIS MATTER is before the Court on the United States of America's Motion, (Doc. No. 289), pursuant to Fed. R. Crim. P. 32.2(c)(2), requesting that the Court enter a Final Order and Judgment confirming forfeiture of the preliminarily forfeited 2006 BMW 5 identified in the Consent Order and Judgment of Forfeiture, (Doc. No. 167). For good cause shown and based on the preponderance of the evidence and the law identified herein, this Court hereby GRANTS the Motion. In support of granting the Motion, this Court FINDS AS FOLLOWS:

I. Background

On November 18, 2018, this Court issued a Consent Order of Forfeiture (Doc. No. 167) for the 2006 BMW M5. From November 10, 2018, through December 9, 2018, the United States published, via www.forfeiture.gov, notice of this forfeiture and of the intent of the Government to dispose of the forfeited property according to law, and notice to all third parties of their right to petition the Court within sixty days of November 10, 2018 for a hearing to adjudicate the validity of any alleged legal interest in the property. (Doc. No. 200). The United States also sent direct notice to individuals who reasonably appeared to be potential claimants of the property. (Doc. No.190).

On November 16, 2018, Whitestone Financial (“Whitestone”) filed a Petition (Doc. 180) asserting an interest in the 2006 BMW M5. On February 21, 2020, the United States filed a Motion for Consent Order for Third Party Petition (Doc. No. 285). On February 27, 2020, this Court granted the Petitioner’s Claim and ordered the Government, upon sale of the BMW to pay Petitioner’s interest due, plus attorneys’ fees incurred. (Doc. No. 286).

To date, no other petitions have been filed for the 2006 BMW M5 in the Consent Order. Further, the time period for filing petitions has expired.

II. Legal Conclusion

Pursuant to Rule 32.2(c)(2), “[w]hen the ancillary proceeding ends, the court must enter a final order of forfeiture by amending the preliminary order as necessary to account for any third-party rights.” The ancillary proceeding in this case has ended. This Court granted Whitestone’s Petition on Consent Motion. No other individuals or entities have filed petitions and the time for doing so has expired. Thus, in accordance with Rule 32.2(c)(2), this Court may now issue a Final Order to give the Government clear title to the 2006 BMW M5 for disposition in accordance with law.

It is therefore **ORDERED**:

In accordance with Rule 32.2(c)(2), the Consent Order and Judgment of Forfeiture is confirmed as final as to the following property:

One Black, 2006 BMW M5, VIN # WBSNB93536B583410, seized on or about February 27, 2018 during the course of the investigation.

All right, title, and interest in the property, whether real, personal, or mixed, has therefore been forfeited to the United States for disposition according to law pursuant to Fed. R. Crim. P. 32.2 and 21 U.S.C. § 853, and the United States shall have clear title to the property and may warrant good title as set forth in 21 U.S.C. § 853(n)(7).

SO ORDERED.

Signed: April 7, 2020



Robert J. Conrad, Jr.
United States District Judge

